



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: February 4, 2010 **REPORT NO. PC-10-002**

ATTENTION: Planning Commission, Agenda of February 11, 2010

SUBJECT: CROWN CASTLE - PENASQUITOS - PROJECT NO. 101765.
PROCESS 4.

**OWNER/
APPLICANT:** The Episcopal Diocese of San Diego
Crown Castle International

SUMMARY

Issue(s): Should the Planning Commission approve a Wireless Communication Facility at 10125 Azuaga Street within the Rancho Penasquitos community planning area?

Staff Recommendation:

1. **Certify** Mitigated Negative Declaration Project No. 101765 and **ADOPT THE** Mitigation Monitoring and Reporting Program;
2. **Approve** Neighborhood Use Permit (NUP) No. 715439; and
3. **Approve** Planned Development Permit (PDP) No. 626732.

Community Planning Group Recommendation: On April 1, 2009, the Rancho Penasquitos Planning Board voted 12-1-0 to approve the Crown Castle – Penasquitos project with conditions (Attachment 13).

Environmental Review: A Mitigated Negative Declaration, Project No. 101765, has been prepared for this project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented, which will reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement: Crown Castle is the financially responsible party for this project and is responsible for costs associated with processing this project.

Code Enforcement Impact: None.

Housing Impact Statement: Not Applicable.

BACKGROUND

This project proposes to replace an existing 37 foot high monopole that has existed at this location for the past fourteen years (Attachments 6 and 7). CUP No. 95-0316 expired on April 25, 2006 (Attachment 12). A new application was submitted on April 26, 2006 (subject to previous regulations LDC Section 141.0405) to maintain the existing monopole as is. The site is located in the rear portion of St. Timothy's Episcopal Church located at 10125 Azuaga Street in Rancho Penasquitos. The property is zoned RS-1-13 and is surrounded by multi-unit residential development to the east, single-unit residential development to the south, and a church, multi-unit residential development and a San Diego Gas & Electric substation to the west (Attachment 1).

Wireless Communication Facilities (WCF's) are permitted throughout the City as a Separately Regulated Use by the Wireless Communication Facility regulations, Land Development Code (LDC) section 141.0405 (This project was submitted under the previous Communication Antenna Regulations-Attachment 16). This project requires an NUP for a WCF proposed in a residential zone on a non-residential use. Council Policy 600-43, "Communication Antennas," assigns preference levels to the locations of WCF's. This policy encourages these facilities be located away from residential uses. Typically, WCF's proposed in non-residential zones, such as commercial or industrial, are considered more preferable than those located in residential zones. To encourage carriers to locate in non-residential zones, projects proposed in those areas are permitted with a lower process level (such as a Process 1 Limited Use or Process 2 Neighborhood Use Permit).

Crown eventually redesigned the project to comply with the Wireless Communication Facility regulations requiring the facility to integrate into the surroundings through the use of architecture, landscape architecture and siting solutions. The project was revised and Crown is now proposing a 45-foot high faux eucalyptus tree supporting 12 AT&T antennas and the potential to support antennas for one more carrier (Attachment 7). An existing 403 square foot equipment shelter is used by AT&T and Crown is proposing an additional 390 square foot shelter for a future carrier. As the facility exceeds the zone's 35-foot height limit by 10 feet, a PDP is required for this deviation.

DISCUSSION

Project Description:

The existing monopole sits prominently on the top of a slope at the rear of St. Timothy's Episcopal Church supporting 12 panel antennas and a microwave dish (Attachment 6). The revised project would replace the monopole with a 45-foot high faux eucalyptus tree (Attachment 7). The existing AT&T antennas would be relocated to the new structure and in the future

another carrier may choose to locate on the tree as well. The branches of the faux tree will encroach into the required 10-foot rear yard setback (Attachment 11). The existing equipment shelter is located at the base of the slope on the edge of the parking lot (Attachment 6). The proposed shelter would be located just to the west of the existing shelter. An existing flat panel antenna on the AT&T equipment shelter will be removed with the new project. A ten-foot tall vinyl coated chain link fence is proposed to be installed around the base of the faux tree.

The slope has a few mature trees on site, but not enough to integrate the proposed faux eucalyptus tree. Crown is proposing to add a mixture of White Ironbark Eucalyptus, Canary Island Pines and Coast Live Oaks, as well as Toyons to help integrate and screen the facility into the setting (Attachment 11).

General Plan Analysis:

The City's General Plan requires that wireless facilities be minimally visible and be visually respectful and compatible with the community. The antennas associated with this facility are proposed to be located on a faux eucalyptus tree with antenna "sock" coverings. The antenna socks will have leaves attached to them and will enable the antennas to better blend in with the tree. Associated equipment is located in an existing shelter at the base of the slope below the proposed faux tree and is designed similarly to the nearby church building. Based on the project's design, it is compatible with the City's General Plan. The Rancho Penasquitos Community Plan does not discuss wireless communication facilities.

Environmental Analysis:

A Mitigated Negative Declaration was prepared for this project to address potential significant environmental effects related to Biological Resources. The property is mapped as containing Environmentally Sensitive Lands, however, a biological letter survey was submitted, which indicated that no sensitive habitat and/or plant species were observed on site. However, the project biologist recommended that a bird/raptor survey be conducted prior to construction activities to identify nests on-site and to minimize potentially significant indirect noise impacts if construction were to occur during the bird breeding season (February 1- September 15). A Mitigation, Monitoring and Reporting Program has been included to address this issue. Implementation of this program will ensure that any potential impact to Biological Resources will be reduced to below a level of significance.

Conclusion:

Staff supports the design as proposed. The replacement of a monopole with a faux tree is not always the best solution, but in this case, the addition of the appropriate number and species of trees will help to integrate the faux tree into the environmental setting reducing the visibility of the facility to the surrounding community. The height of the tree at 45-feet is still in the range of plausibility for a eucalyptus tree and the ability for this faux tree to serve as a collocation facility is also beneficial to the community. Because Crown wants to maintain the height of the existing antennas, the location of the new tree on the slope will result in the branches encroaching into the rear yard setback. The property behind the church is open space with a city water tank beyond so

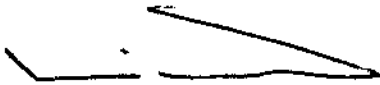
the encroachment will not result in any impacts to the adjacent property. This project complies with the City's Land Development Code to the extent possible, the Wireless Communication

Facility regulations and the applicable land use plans. Therefore, Staff recommends approval of this project.

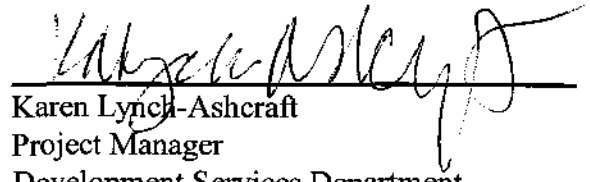
ALTERNATIVES

1. **Approve Neighborhood Use Permit No. 715439 and Planned Development Permit No. 626732, with modifications.**
2. **Deny Neighborhood Use Permit No. 715439 and Planned Development Permit No. 626732, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



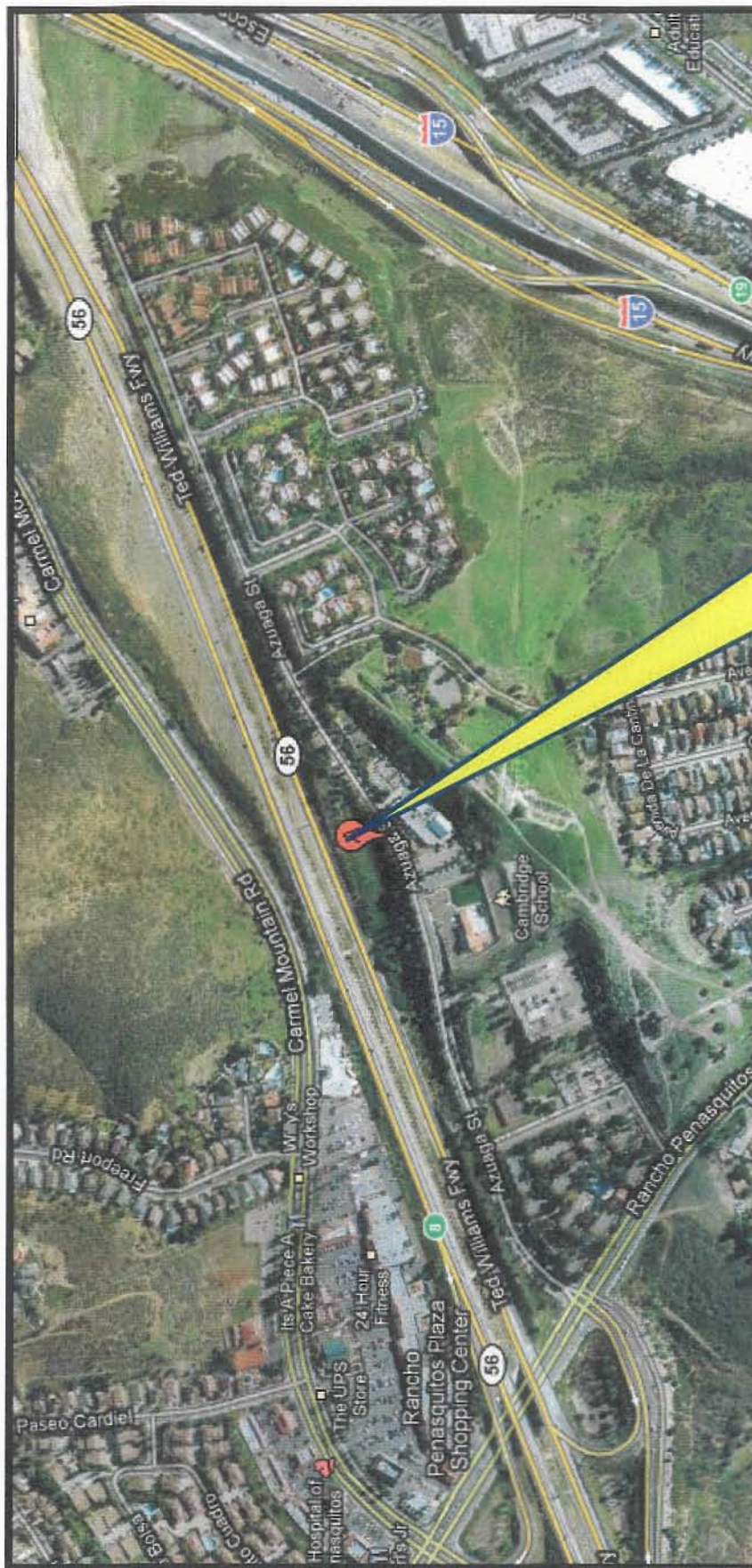
Karen Lynch-Ashcraft
Project Manager
Development Services Department

BROUGHTON/KLA

Attachments:

1. Aerial Photograph
2. Project Location Map
3. Community Plan Land Use Map
4. Project Data Sheet
5. Site Justification
6. Site Photos
7. Mono-Eucalyptus Example/Photo simulation
8. Draft Permit with Conditions
9. Draft Resolution with Findings
10. Draft Environmental Resolution with MMRP (MND or EIR)
11. Project Plans
12. Copy of Expired Recorded Permit
13. Community Planning Group Recommendation
14. Ownership Disclosure Statement
15. Project Chronology
16. LDC Section 141.0405 (Previous regulations)

Rev 01-04-07/rh



ATTACHMENT 1



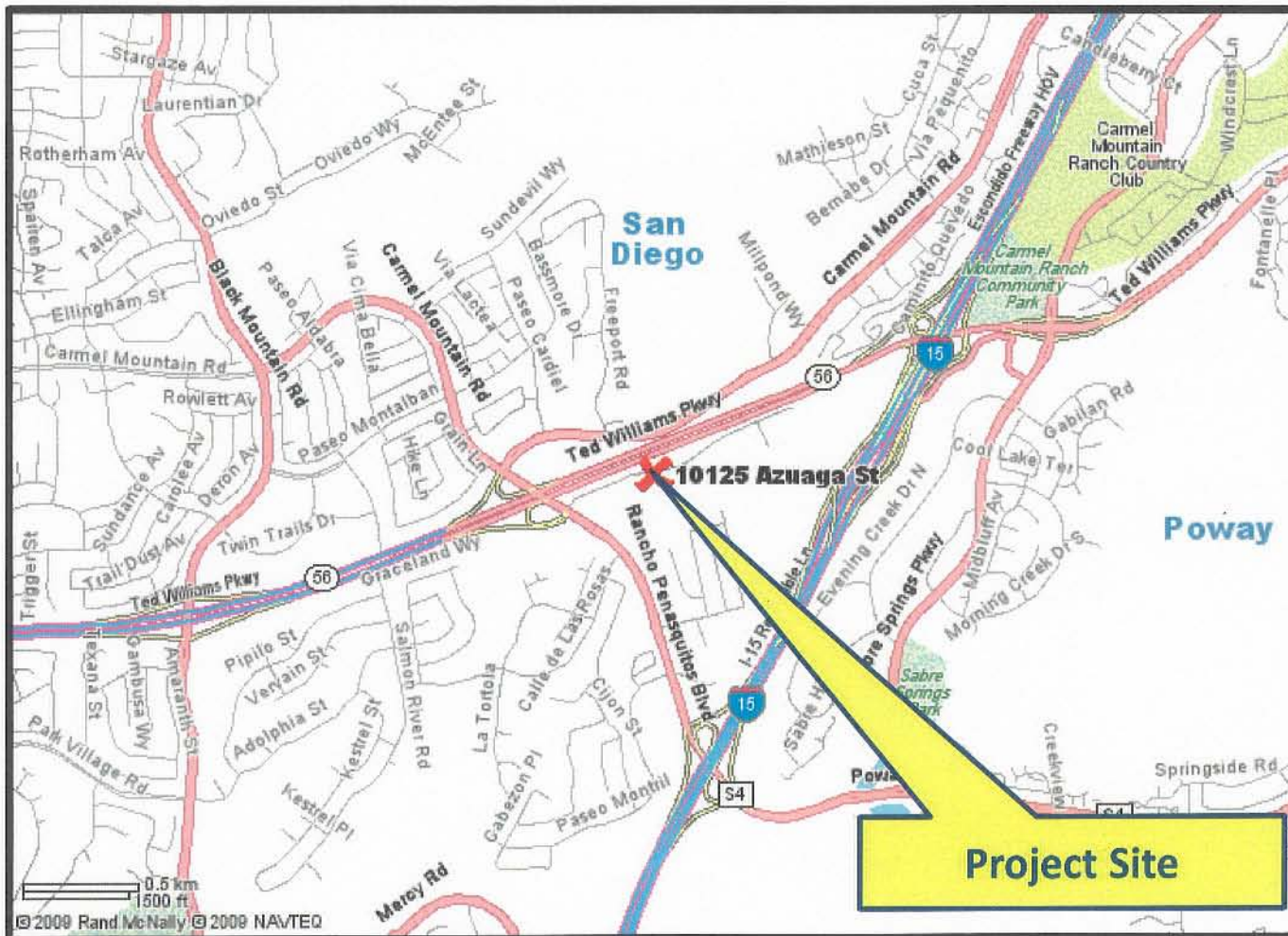
Project Site

Aerial Photo

CROWN CASTLE- PENASQUITOS- PROJECT NUMBER 101765

10125 Azuaga Street



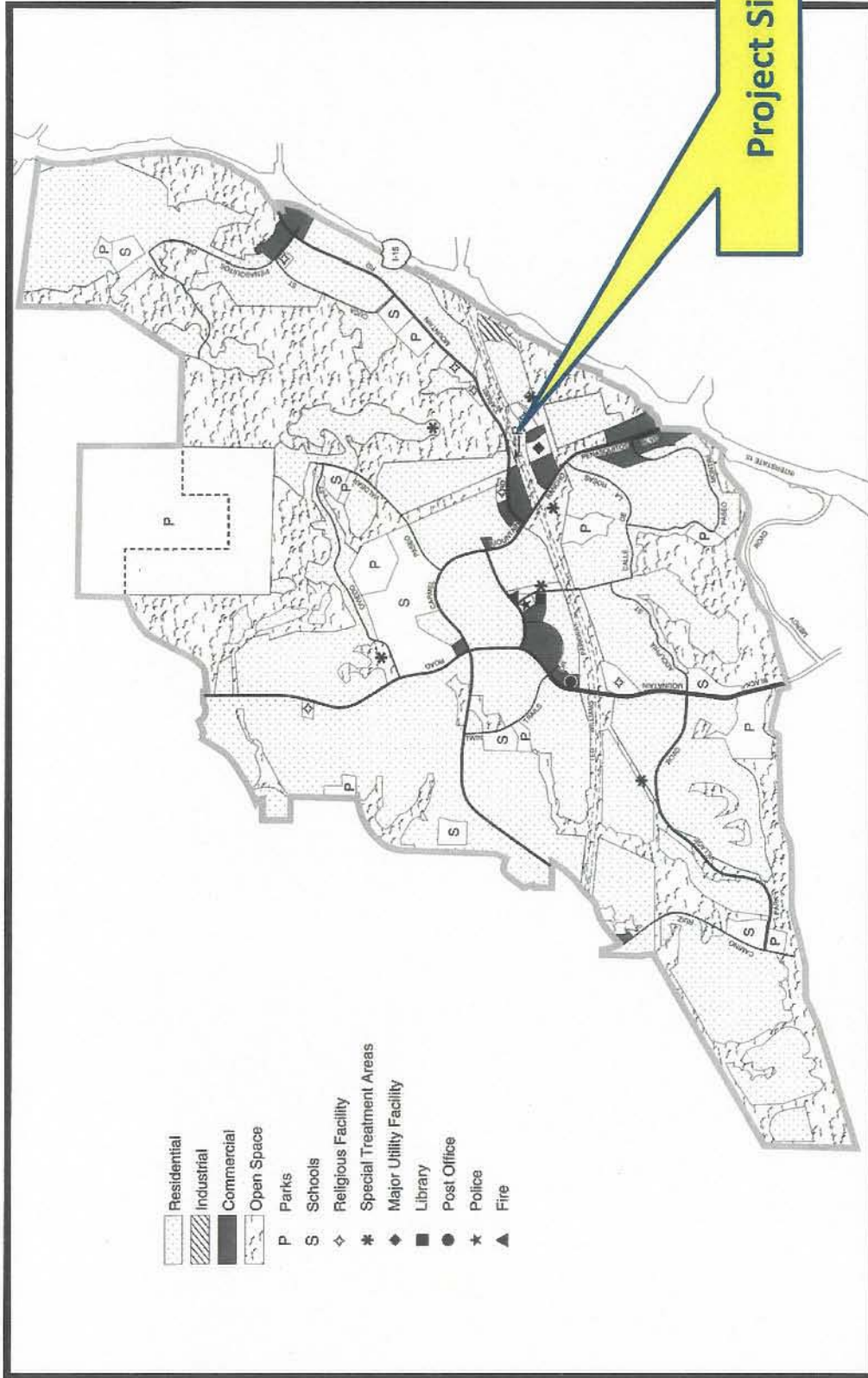


Project Location Map

CROWN CASTLE- PENASQUITOS- PROJECT NUMBER 101765

10125 Azuaga Street





RANCHO PENASQUITOS COMMUNITY PLAN MAP

CROWN CASTLE- PENASQUITOS- PROJECT NUMBER 101765

10125 Azuaga Street



PROJECT DATA SHEET

| | | |
|--|--|--------------------------|
| PROJECT NAME: | Crown Castle - Penasquitos | |
| PROJECT DESCRIPTION: | Replacement of existing 37-foot high monopole with a 45-foot faux Eucalyptus tree supporting 12 panel antennas and a microwave dish. Proposed collocation facility. Existing 420 sq. ft. equipment shelter and 390 sq. ft. proposed. | |
| COMMUNITY PLAN AREA: | Rancho Penasquitos | |
| DISCRETIONARY ACTIONS: | Neighborhood Use Permit; Planned Development Permit. | |
| COMMUNITY PLAN LAND USE DESIGNATION: | Religious Facility | |
| <u>ZONING INFORMATION:</u> ZONE: RS-1-13 HEIGHT LIMIT: 35-Foot maximum height limit. FRONT SETBACK: 15 feet. SIDE SETBACK: 5 feet. REAR SETBACK: 10 feet. | | |
| <u>ADJACENT PROPERTIES:</u> | LAND USE DESIGNATION & ZONE | EXISTING LAND USE |
| NORTH: | Open Space; RS-1-13. | Vacant |
| SOUTH: | Open Space; RS-1-13. | City Water Tank |
| EAST: | Residential; RS-1-13. | Multi-Family Residential |
| WEST: | Commercial; CN-1-2 | Church |
| DEVIATIONS OR VARIANCES REQUESTED: | Deviation to exceed the 35-foot height limit to allow a 45-foot faux tree. | |
| COMMUNITY PLANNING GROUP RECOMMENDATION: | On April 1, 2009, the Rancho Penasquitos Community Planning Board voted 12-1-0 to approve this project, with conditions. | |

**CROWN CASTLE INTERNATIONAL
SITE DESCRIPTION AND JUSTIFICATION**

**Peñasquitos
Site 815649
10125 Azuaga Street, San Diego, CA 92129
APN 315-572-15&16**

PROJECT LOCATION

The project is an existing communications site is located at 10125 Azuaga Street in the City of San Diego. The project site is in the Rancho Peñasquitos Community Plan area. Zoning of the site is RS-1-13.

PROJECT BACKGROUND

The site currently operates under an existing Conditional Use Permit (CUP 95-0316) granted to GTE Mobilenet on April 26, 1996. CUP 95-0316 will expire on April 26, 2006. The applicant proposes to continue use of the site as a telecommunications facility and establish a new Conditional Use Permit for the site. Application is made pursuant to the City's General Plan and consistent with the Land Development Code Section 141.0405 requirements for a Major Telecommunication Facility.

PROPOSED PROJECT

The applicant proposes to modify an existing, permitted facility. The existing facility consists of a 35-foot tall monopole with a 12-foot by 12-foot square platform at the top. There are 12 48-inch flat panel antennas and one 24 by 24-inch dish antenna mounted to the platform. The monopole is surrounded by chain-link security fence. Cables to the monopole are located underground and run approximately 100 feet toward the northwest to the equipment shelter. The existing equipment shelter is located adjacent an existing parking lot. The shelter measures approximately 30 feet by 13 feet and is finished and painted to match the other church structures on the site. A 24-inch by 24-inch panel antenna is mounted to the roof of the equipment shelter.

The existing monopole is located near the top of a manufactured slope on the south side of the site. The equipment shelter is located at the base of the slope to the northwest of the monopole. Landscaping has been installed and maintained surrounding the equipment shelter and in the vicinity of the monopole. Mature eucalyptus trees (approximately 25 to 40 feet) surround the monopole on three sides. The slope is fully landscaped.

The applicant proposes to remove the existing monopole and replace it with a new multi-trunk faux eucalyptus structure. The new faux tree will total 50 feet in height. The faux

tree design necessitates an increase in height to accommodate branches above the level of the antennas. In consideration of the costs associated with the new design, the applicant is proposing additional height so that the structure can accommodate an additional user in order to offset the cost of the new faux tree. An additional equipment building is proposed to be located adjacent to and south of the existing building. The color and finish of the new building will match the existing building.

The additional antennas and new building would not be installed unless an additional service provider is added to the site.

COMPLIANCE WITH LAND DEVELOPMENT CODE

The proposed project is located on a privately-owned parcel occupied by a church and the telecommunications facility for a single carrier (Cingular). The site is zoned RS-1-13. The proposed project meets the criteria for a "Major Telecommunication Facility" per the Municipal Code, §141.0405, *Communication Antennas*.

The code requires that "*Major telecommunication facilities shall be designed to be minimally visible through the use of architecture, landscape architecture, and siting solutions.*" The existing facility complies with this requirement due to its unique setting, surrounding land uses, and previously installed landscape screening.

The surrounding land uses include the church located on the site to the north, vacant open space to the east and south, and a commercially-zoned parcel to the west. This parcel is currently being developed for a church and related residential uses. The nearest existing residential uses are located approximately 300 feet to the east and south and views of the facility are partially obscured by existing topography and vegetation. Views of the facility from SR-56 are almost totally obscured by the existing vegetation.

SITE JUSTIFICATION

The existing facility has provided wireless communications coverage for the surrounding community and travelers for the past 10 years at this location. The height and location of the facility provide coverage to portions of the Interstate 15 corridor and the SR-56 corridor, in addition to the surrounding commercial and residential neighborhoods.

Other existing facilities within the area either provide coverage to one corridor or the other. It does not appear that another location would be able to provide similar coverage. A replacement for this site would either be at a lower elevation and require a taller support structure or would consist of multiple sites.

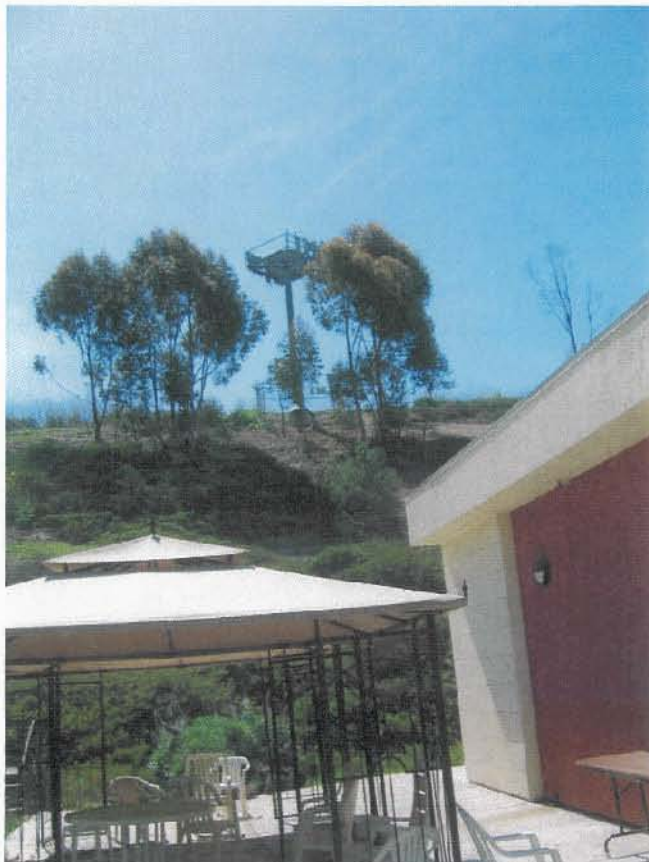
Existing sites within the area are single-user facilities with limited opportunities for collocation. Alternatively, the existing project site is situated to provide coverage to a larger area, has compatible surrounding land uses, has existing vegetative screening and could be configured to accommodate additional carriers. It appears that the best opportunity for collocation within this area is the project site.

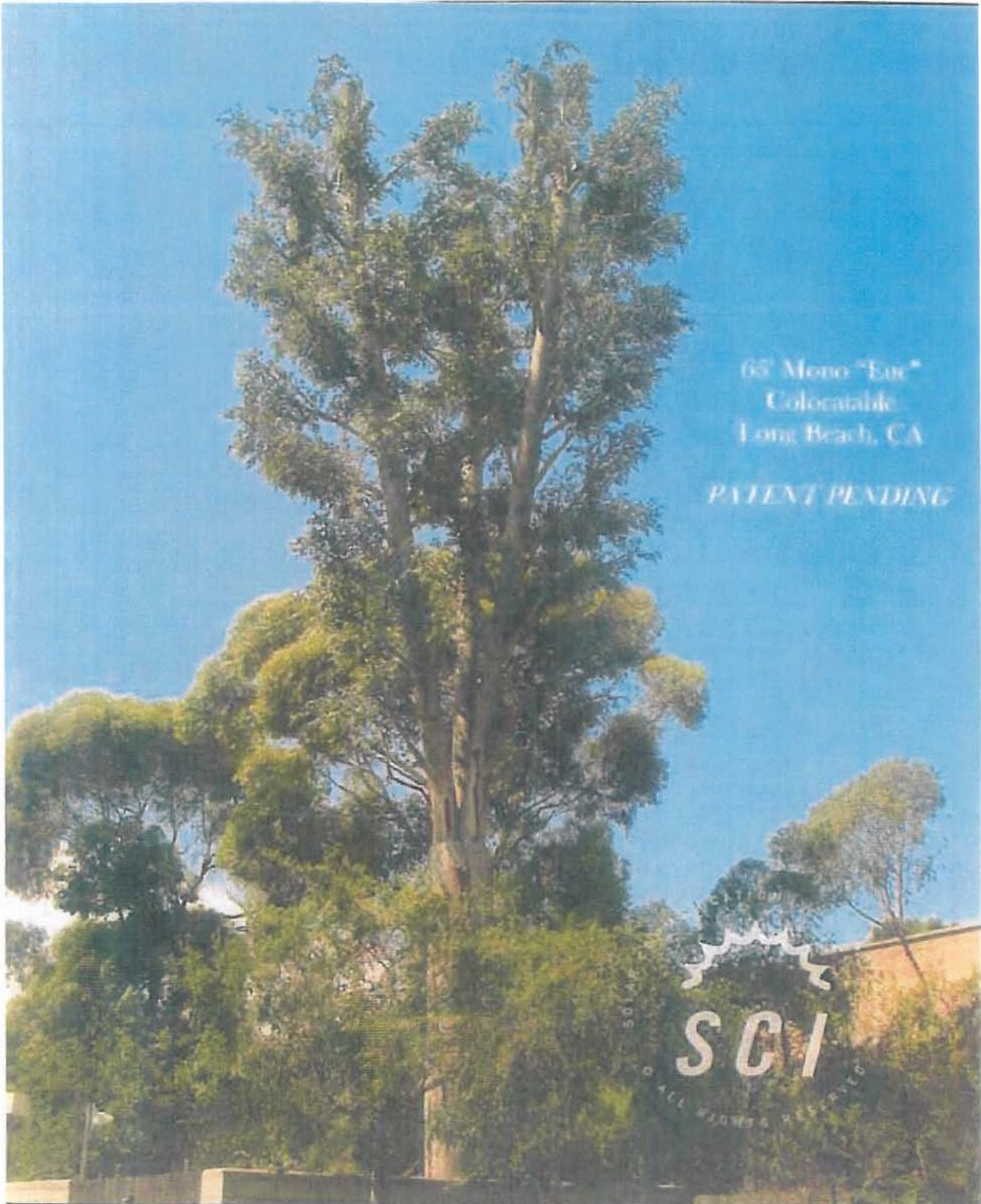
BENEFITS OF THE FACILITY

The continued use of this wireless communications facility will fulfill Cingular's and the community's need for wireless communication service in this area. This project proposes to add space for a future user to provide for co-location opportunities for future users within the community.

ATTACHMENT 6







Mono –Eucalyptus Example



PHOTOSIMULATION

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 23431632

NEIGHBORHOOD USE PERMIT NO. 715439
PLANNED DEVELOPMENT PERMIT NO. 626732
CROWN CASTLE – PENASQUITOS PROJECT NO. 101765
MMRP NO. 101765
PLANNING COMMISSION
DRAFT

This Neighborhood Use Permit No. 715439 and Planned Development Permit No. 626732 is granted by the Planning Commission of the City of San Diego to St. Timothy's Episcopal Church, Owner, and Crown Castle International, Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0405. The 5.32 acre site is located at 10125 Azuaga Street in the RS-1-13 zone of the Rancho Penasquitos Community Planning area. The project site is legally described as Lot 8 of Sun Ridge Vista Exit No. 2 in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 12380.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for a wireless communication facility, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 11, 2010, on file in the Development Services Department.

The project shall include:

- a. Removal of an existing 35-foot high monopole and replacement with a 45-foot high faux Eucalyptus tree supporting one 24-inch microwave dish and 12 AT&T panel antennas. Associated existing 403 square foot equipment shelter;
- b. Installation of future antennas for collocation purposes. Number of antennas shall not exceed 12. Associated equipment in a 390 square foot shelter located to the west of the existing AT&T shelter.
- c. Landscaping (planting, irrigation and landscape related improvements); and

- d. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. As this property contains a WCF with an expired permit, upon approval of this NUP/PDP, immediate steps must be taken to bring this site into compliance. A timeline has been established to ensure that construction documents are submitted in a timely manner and the existing facility is removed and new facility installed no later than 180 days from NUP/PDP approval.
2. This Conditional Use Permit (CUP) and corresponding use of this site shall **expire on February 11, 2020**. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit unless the applicant of record files a new application for a facility which will be subject to compliance with all regulations in effect at the time.
3. No later than ninety (90) days prior to the expiration of this permit, the Owner/Permittee may submit a new application to the City Manager for consideration with review and a decision by the appropriate decision maker at that time. Failure to submit prior to the deadline will be cause for compliance, which may include penalties and fines.
4. Under no circumstances, does approval of this permit authorize (insert applicant name) or their tenants to utilize this site for wireless communication purposes beyond the permit expiration date. Implicit use of this permit beyond the effective date of this permit is prohibited.
5. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
6. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.

7. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
8. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
9. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
10. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
11. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
12. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

13. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or

obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

14. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project

15. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Mitigated Negative Declaration, No. 101765, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

16. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration No.101765, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

"Biological Resources"

17. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

ENGINEERING REQUIREMENTS:

18. Prior to building occupancy, the applicant shall conform to Section 62.0203 of the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

19. Prior to the issuance of any construction permits, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

20. Prior to the issuance of any construction permits, the applicant shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

LANDSCAPE REQUIREMENTS:

21. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit 'A' Landscape Development Plan.

22. Prior to issuance of any construction permits for buildings complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.

23. Within 90 days of NUP/PDP approval, landscape construction documents, consistent with the City's Project Submittal Requirements, shall be submitted to the Development Services Department for review and approval. Plans shall be in substantial conformance to the Exhibit "A" Landscape Development Plans on file with the Development Services Department.

24. Within 180 days of PDP approval, all landscape improvements shown on Exhibit "A" shall be installed and a final planning/landscape inspection shall be obtained. Failure to comply with this timeline shall result in fines and penalties administered by Neighborhood Code Compliance section of the Development Services Department.

25. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

26. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or activation of WCF or a Final Landscape Inspection.

27. Any required planting that dies within 3 years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan. Required shrubs or trees that die 3 years or more after installation shall be replaced with 15 gallon size or 60-inch box size material, respectively. Development Services may authorize adjustment of the size and quantity of replacement material where material

replacement would occur in inaccessible areas or where the existing plant being replaced is larger than a 15 gallon shrub or 60-inch box tree.

28. Landscape Construction Documents, in compliance with the City's Project Submittal Requirements, shall be submitted to the Development Services Department for approval. Adjustments may be made to the plans to comply with Brush Management regulations, to the satisfaction of the Development Services Department. This may impact the spacing of trees, however the required quantity of trees, as shown on Exhibit "A", shall be maintained.

PLANNING/DESIGN REQUIREMENTS:

29. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

30. The applicant of record is responsible for notifying the city prior to the sale or takeover of this site to any other provider.

31. "Dog house" structures are not permitted. Cables shall be routed underground and internally within the monoeucalyptus. Antennas shall be "backfed."

32. No additional microwave dishes or any other type of dish may be installed on the monoeucalyptus during the life of this permit.

33. This wireless communication facility shall be removed or replaced if it is determined that the facility or components of the facility are obsolete.

34. Prior to building permit issuance, the permittee shall provide a radio frequency model study to demonstrate compliance with the Federal Communication Commission's Radio Frequency Guidelines. All significant contributors to the ambient RF environment should be considered in this model study. The report shall be prepared by a certified radio frequency engineer and shall demonstrate that the site complies with all FCC, Cal-OSHA, and any other applicable safety regulations.

35. All equipment, including transformers, emergency generators and air conditioners shall be designed and operated consistent with the City noise ordinance. Ventilation openings shall be baffled and directed away from residential areas. Vibration resonance of operating equipment in the equipment enclosures shall be eliminated.

36. Prior to obtaining a Construction Permit the following items must be illustrated on the construction drawings; coax cable tray, meters, telco, A/C units, generator receptacles, cable runs, bridges, dog houses and external ports. These appurtenances must be minimized visually so as to avoid the effect of changing the outward appearance of the project from what was approved on the exhibits.

37. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.
38. The stamped, approved photo simulations (part of Exhibit "A") shall be printed in color on the construction document plan set.
39. Prior to building permit issuance, faux pine tree specifications shall be submitted for review and approval by the Development Services Department. The details shall include:
- Official manufacturer specifications and photos
 - Distance the branches extend from the antenna face – 24 inches required
 - Branch count
 - Overall branch density (minimum 3.5-4 per ft., measured from start of branches to top of tree)
 - Beginning branch height – 15 feet
 - Overall tree height and overall pole height
 - Materials
 - Cabling of the antenna (no overhead cabling)
 - Sock details
 - Color specifications
 - Leaf detail (proposed leaf should be similar to surrounding mature or proposed tree species)
 - Type of brackets
40. Within 90 days of NUP/PDP approval, construction documents shall be submitted to the Development Services Department for the implementation of this permit, including the removal of the existing monopole and the installation of the moneucalyptus and associated landscape improvements.
41. Within 180 days of NUP/PDP approval, final planning and building inspection sign-off shall be obtained. Failure to comply with this timeline shall result in fines and penalties administered by the Neighborhood Code Compliance section of the Development Services Department.
42. As part of the building permit approval, the Permittee may apply for a Temporary Use Permit to allow for a temporary antenna installation while construction is in progress for the new facility. The temporary antenna installation shall not be permitted to remain in place longer than 180 days from NUP/PDP approval. The temporary antenna installation will be subject to review and approval by the Development Services Department, may require a building permit, and shall comply at all times with FCC regulations.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within

ATTACHMENT 8

ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.

- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on February 11, 2010 by Resolution No. XXXXXX.

Permit Type/PTS Approval No.: NUP 715439 and PDP No. 626732

Date of Approval: February 11, 2010

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Karen Lynch-AShcraft
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

**The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.**

St. Timothy's Episcopal Church
Owner/Permittee

By _____
NAME
TITLE

Crown Castle International
Owner/Permittee

By _____
NAME
TITLE

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

**PLANNING COMMISSION
RESOLUTION NO. XXXXX
NEIGHBORHOOD USE PERMIT NO. 715439
PLANNED DEVELOPMENT PERMIT NO. 626732
CROWN CASTLE- PENASQUITOS
PROJECT NO. 101765 - MMRP**

WHEREAS, St. Timothy's Episcopal Church, Owner/Crown Castle, Permittee, filed an application with the City of San Diego for a permit for a wireless communication facility (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Neighborhood Use Permit No. 715439 and Planned Development Permit No. 626732, on portions of a 5.32 acre site;

WHEREAS, the project site is located at 10125 Azuaga Street in the RS-1-13 zone of the Rancho Penasquitos Community Plan;

WHEREAS, the project site is legally described as Lot 8 of Sun Ridge Vista Exit No. 2 in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 12380;

WHEREAS, on February 11, 2010, the Planning Commission of the City of San Diego considered Neighborhood Use Permit No. 715439 and Planned development Permit No. 626732 pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated February 11, 2010.

FINDINGS:

Neighborhood Use Permit - Section 126.0205

1. The proposed development will not adversely affect the applicable land use plan;

Section A.15 of the Urban Design section of the City of San Diego's General Plan addresses Wireless Facilities. The intent is to minimize the visual impact of wireless facilities. The General Plan states that wireless facilities should be concealed in existing structures when possible, or otherwise use camouflage and screening techniques to hide or blend the facilities into the surrounding area. In this particular case, the antennas are proposed to be located on a new faux Eucalyptus tree on a slope at the rear of a church property. The antennas will be covered with antenna socks woven with Eucalyptus leaves to match the leaves on the tree. A faux tree on the top of a slope would have a significant visual impact on the community; however, Crown Castle is proposing additional specimen size trees to aid in blending the faux tree into the environmental setting. This will meet the intent of the City's General Plan and the WCF regulations.

The General Plan states that facilities should be designed to be "aesthetically pleasing and respectful to the neighborhood context." The location of the faux tree will be visible to the

surrounding community as well as Highway 56, but the addition of live trees will aid in minimizing any views of this facility as a faux tree. The antennas will be covered with antenna socks, which will help to blend them into the tree and minimize their appearance. The equipment enclosure will be designed to match other buildings on site and landscape screening will be added to improve views of the facility. As a result, the design of this WCF will respect the neighborhood context.

The Rancho Penasquitos Community Plan does not address WCF with a specific land use recommendation. Based on the project's design, the facility will comply with the City of San Diego's General Plan as it relates to Wireless Facilities, and this project would not adversely affect the land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare; and

The Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." The proposed project would be consistent with the FCC's regulations for wireless facilities. To insure that the FCC standards are being met, a condition has been added to the permit that requires that Crown Castle submit an RF study to demonstrate compliance with the applicable FCC regulations prior to building permit issuance. Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area within matters of the City's jurisdiction.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The project complies for the most part with all applicable development regulations including the RS-1-13 development regulations of the Land Development Code and the City of San Diego Communication Antenna Regulations (Land Development Code Section 141.0405). This section of the code requires architectural integration and/or enhancements with the existing buildings or landscape on the property. The faux Eucalyptus tree is proposed to be 45 feet high and is anticipated to be a collocation facility for a future carrier. The addition of antenna socks as well as a landscape planting palette for the project site will minimize any potential visual impacts. The request for a height and setback deviation is necessary to provide the same coverage AT&T currently has now and it will allow for a future collocation on the tree as well. The allowed height in the RS-1-13 zone is 35 feet and the tree is proposed at 45 feet. Encroachment into the rear yard setback by the faux tree branches allows the antennas to maintain their current height and it also allows the tree to maintain a natural appearance. Therefore, the project complies to the maximum extent possible with the applicable regulations of the Land Development Code, while continuing uninterrupted coverage and service to the Rancho Penasquitos community. Based on these considerations, this project complies with the applicable regulations of the Land Development Code.

Planned Development Permit - Section 126.0604**1. The proposed development will not adversely affect the applicable land use plan;**

Section A.15 of the Urban Design section of the City of San Diego's General Plan addresses Wireless Facilities. The intent is to minimize the visual impact of wireless facilities. The General Plan states that wireless facilities should be concealed in existing structures when possible, or otherwise use camouflage and screening techniques to hide or blend the facilities into the surrounding area. In this particular case, the antennas are proposed to be located on a new faux Eucalyptus tree on a slope at the rear of a church property. The antennas will be covered with antenna socks woven with Eucalyptus leaves to match the leaves on the tree. A faux tree on the top of a slope would have a significant visual impact on the community; however, Crown Castle is proposing additional specimen size trees to aid in blending the faux tree into the environmental setting. This will meet the intent of the City's General Plan and the WCF regulations.

The General Plan states that facilities should be designed to be "aesthetically pleasing and respectful to the neighborhood context." The location of the faux tree will be visible to the surrounding community as well as Highway 56, but the addition of live trees will aid in minimizing any views of this facility as a faux tree. The antennas will be covered with antenna socks, which will help to blend them into the tree and minimize their appearance. The equipment enclosure will be designed to match other buildings on site and landscape screening will be added to improve views of the facility. As a result, the design of this WCF will respect the neighborhood context.

The Rancho Penasquitos Community Plan does not address WCF with a specific land use recommendation. Based on the project's design, the facility will comply with the City of San Diego's General Plan as it relates to Wireless Facilities, and this project would not adversely affect the land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare;

The Telecommunication Act of 1996 preempts local governments from regulating the "placement, construction and modification of wireless communication facilities on the basis of the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the Federal Communication Commission's (FCC) standards for such emissions." The proposed project would be consistent with the FCC's regulations for wireless facilities. To insure that the FCC standards are being met, a condition has been added to the permit that requires that Crown Castle submit an RF study to demonstrate compliance with the applicable FCC regulations prior to building permit issuance. Therefore, based on the above, the project would not result in any significant health or safety risks to the surrounding area within matters of the City's jurisdiction.

3. The proposed development will comply with the regulations of the Land Development Code;

The project complies for the most part with all applicable development regulations including the RS-1-13 development regulations of the Land Development Code and the City of San Diego Communication Antenna Regulations (Land Development Code Section 141.0405). This section of the code requires architectural integration and/or enhancements with the existing

buildings or landscape on the property. The faux Eucalyptus tree is proposed to be 45 feet high and is anticipated to be a collocation facility for a future carrier. The addition of antenna socks as well as a landscape planting palette for the project site will minimize any potential visual impacts. The request for a height and setback deviation is necessary to provide the same coverage AT&T currently has now and it will allow for a future collocation on the tree as well. The allowed height in the RS-1-13 zone is 35 feet and the tree is proposed at 45 feet. Encroachment into the rear yard setback by the faux tree branches allows the antennas to maintain their current height and it also allows the tree to maintain a natural appearance. Therefore, the project complies to the maximum extent possible with the applicable regulations of the Land Development Code, while continuing uninterrupted coverage and service to the Rancho Penasquitos community. Based on these considerations, this project complies with the applicable regulations of the Land Development Code.

4. The proposed development, when considered as a whole, will be beneficial to the community; and

This project will be beneficial to the community. The facility provides wireless communication services for users of cell phones and other wireless devices. The facility provides these wireless services in a way that is aesthetically compatible and blends in with the residential and environmental setting that surrounds it. Therefore, this development will be beneficial to the community.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

The RS-1-13 zone allows a maximum height of 35 feet. The faux tree is proposed to be 45 feet high and will be located in the general vicinity of the existing monopole. Development in the area is for the most part, low scale. The church property slopes up from Azuaga Street to a manufactured hillside at the rear of the property where the faux tree is proposed. With the addition of twenty 15-gallon to 24-inch box sized trees to the south and east sides of the faux tree, the visibility of the WCF will be significantly reduced.

If the faux tree were reduced to 35 feet in height, the AT&T coverage foot print would be reduced significantly. As a result, additional facilities would have to be installed throughout the community to compensate for the loss in coverage.

The RS-1-13 zone requires a 10-foot rear yard setback. In order for the antennas to be maintained at their current height, the location of the faux tree had to be relocated on the slope in an area closer to the rear yard setback. The branches encroach into that setback by approximately seven feet. The adjacent property to the south is vacant with a city water tank beyond and it is not anticipated that there will be any negative land use impacts associated with this encroachment. Overall, the location and design of the faux tree and the proposed mature landscaping make this project a well designed wireless communication facility.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Neighborhood Use Permit No. 715439 and Planned Development Permit No. 626732 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form,

ATTACHMENT 9

exhibits, terms and conditions as set forth in Neighborhood Use Permit No.715439 and Planned Development Permit No. 626732, a copy of which is attached hereto and made a part hereof.

Karen Lynch-Ashcraft
Development Project Manager
Development Services

Adopted on: February 11, 2010

Job Order No. 23431632

RESOLUTION NUMBER R-_____

ADOPTED ON _____

WHEREAS, on April 26, 2006, Crown Castle USA submitted an application to the Development Services Department for a Neighborhood Use Permit and Planned Development Permit;

WHEREAS, the permit was set for a public hearing to be conducted by the Planning Commission of the City of San Diego; and

WHEREAS, the issue was heard by the Planning Commission on February 11, 2010; and

WHEREAS, the Planning Commission of the City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 101765. NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 101765 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration, a copy of which is attached hereto and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED that pursuant to California Public Resources Code, Section 21081.6, the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

By: _____
Karen Lynch-Ashcraft
Development Project Manager

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

NEIGHBORHOOD DEVELOPMENT PERMIT, SITE DEVELOPMENT PERMIT AND
PLANNED DEVELOPMENT PERMIT

PROJECT NO. 101765

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (Project No. 101765) shall be made conditions of the Neighborhood Use Permit and Planned Development Permit as may be further described below.

A. GENERAL

1. Prior to issuance of any construction permit, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plan/Permits, the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division shall verify that the appropriate Mitigation Measures regarding **Biological Resources** have been included verbatim on the submitted construction documents and contract specifications, and included under the heading, "Environmental Mitigation Requirements." In addition, the requirements for a Preconstruction Meeting shall be noted on all construction documents.
2. Prior to the commencement of work, a Preconstruction Meeting (Pre-con) shall be conducted and include the City of San Diego's Mitigation Monitoring Coordination (MMC) Section, Resident Engineer, Building Inspector, Applicant, Biologist and other parties of interest.

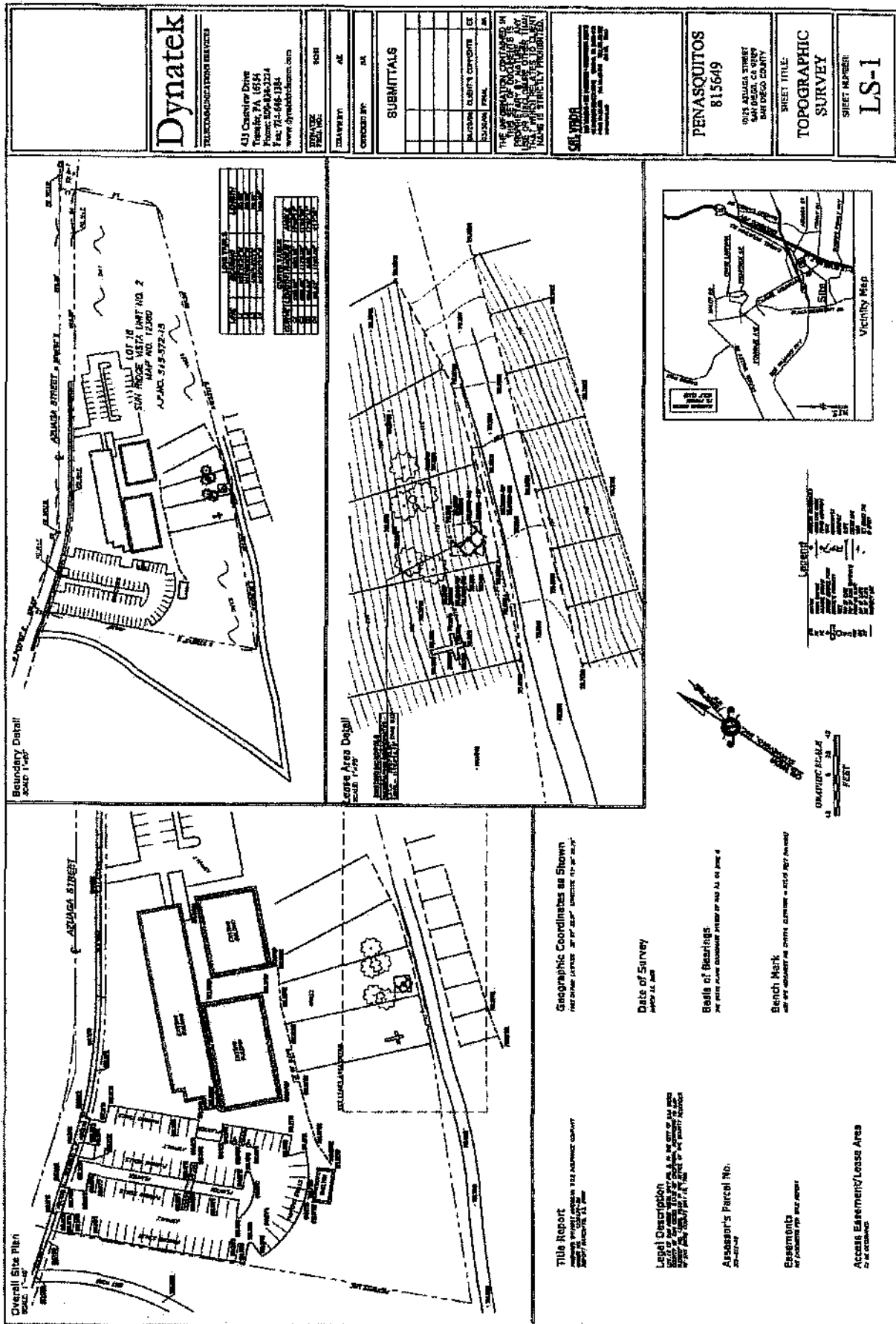
B. BIOLOGICAL RESOURCES (GENERAL BIRD MITIGATION)

1. If project grading/brush management is proposed in or adjacent to native habitat during the typical bird breeding season (February 1-September 15), or an active nest is noted, the project biologist shall conduct a pregrading survey for active nests in the development area and within 300 feet of it, and submit a letter report to MMC prior to the preconstruction meeting.
2. If active nests are detected, or considered likely, the report shall include mitigation in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, buffers, etc.) to the satisfaction of the Assistant Deputy Director (ADD) of the Entitlements Division. Mitigation requirements determined by the project biologist and the ADD of Entitlements shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report.
3. If no nesting birds are detected per "1" above, mitigation under "1" is not required.

ATTACHMENT 10

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

[illegible]





Dynatek

TELECOMMUNICATIONS SERVICES
7184 Broadwood Drive
Brooklyn, OH 44102
Phone: 601.878.3224
Fax: 330.448.4337
www.dynatek.com

PROJECT NO. 900

DRAWN BY: T.M.

CHECKED BY: C.C.B.

SUBMITTALS

| | | |
|----|----------|------------------------|
| 1 | 2/16/07 | FINAL REVIEW |
| 2 | 4/16/07 | FINAL |
| 3 | 5/25/07 | FINAL |
| 4 | 5/22/07 | FINAL REVIEW |
| 5 | 1/13/07 | FINAL |
| 6 | 12/13/06 | REVISED LEASE AREA |
| 7 | 10/13/06 | REVISED SITE DESIGN |
| 8 | 4/16/06 | FINAL |
| 9 | 4/16/06 | UTILITY ANTENNA ACCESS |
| 10 | 3/23/06 | SHED FOR REVIEW |

THE INFORMATION CONTAINED IN THIS DOCUMENT IS THE PROPERTY OF DYNATEK. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DYNATEK. NAME IS STRICTLY PROTECTED.

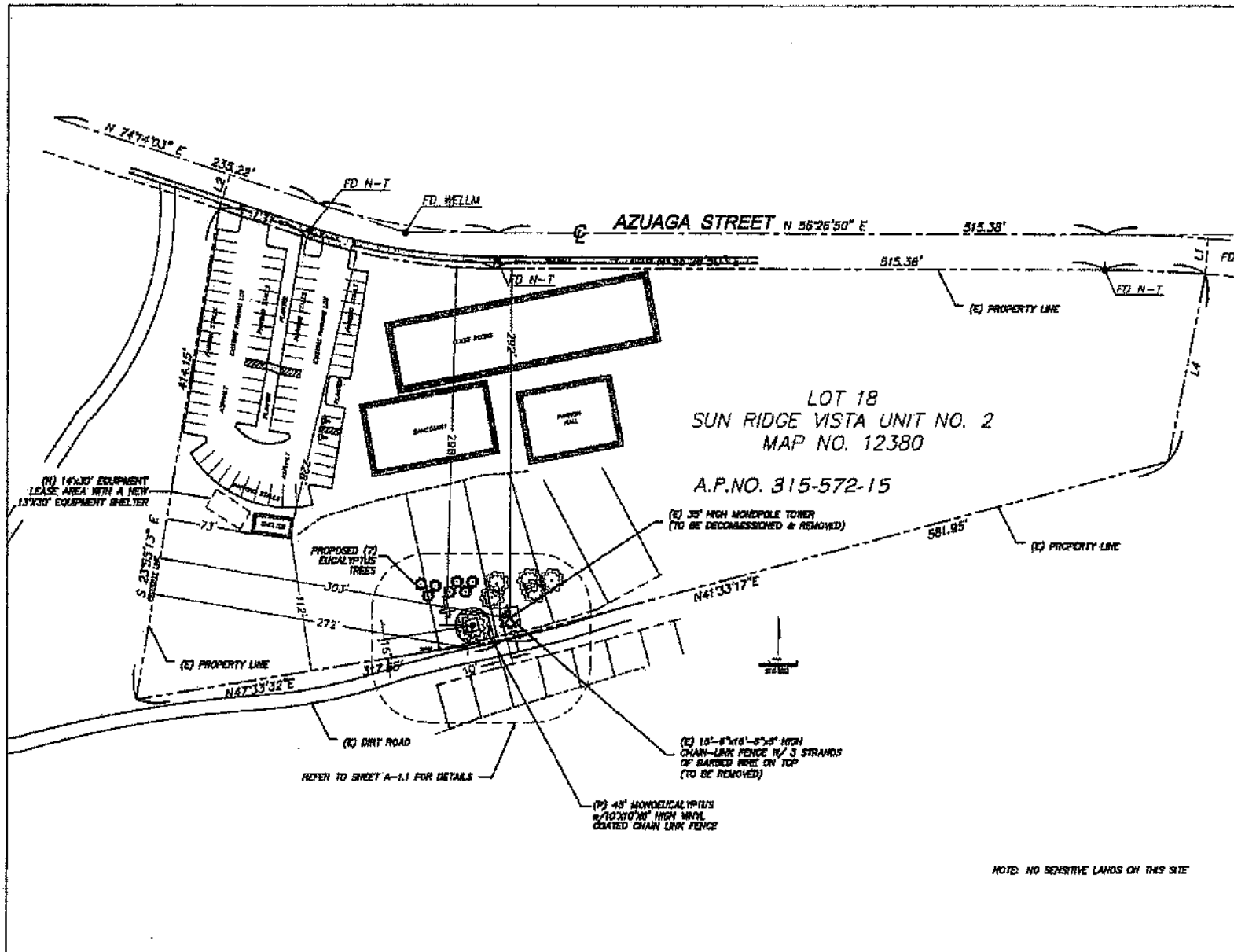
**PENASQUITOS
#815649**

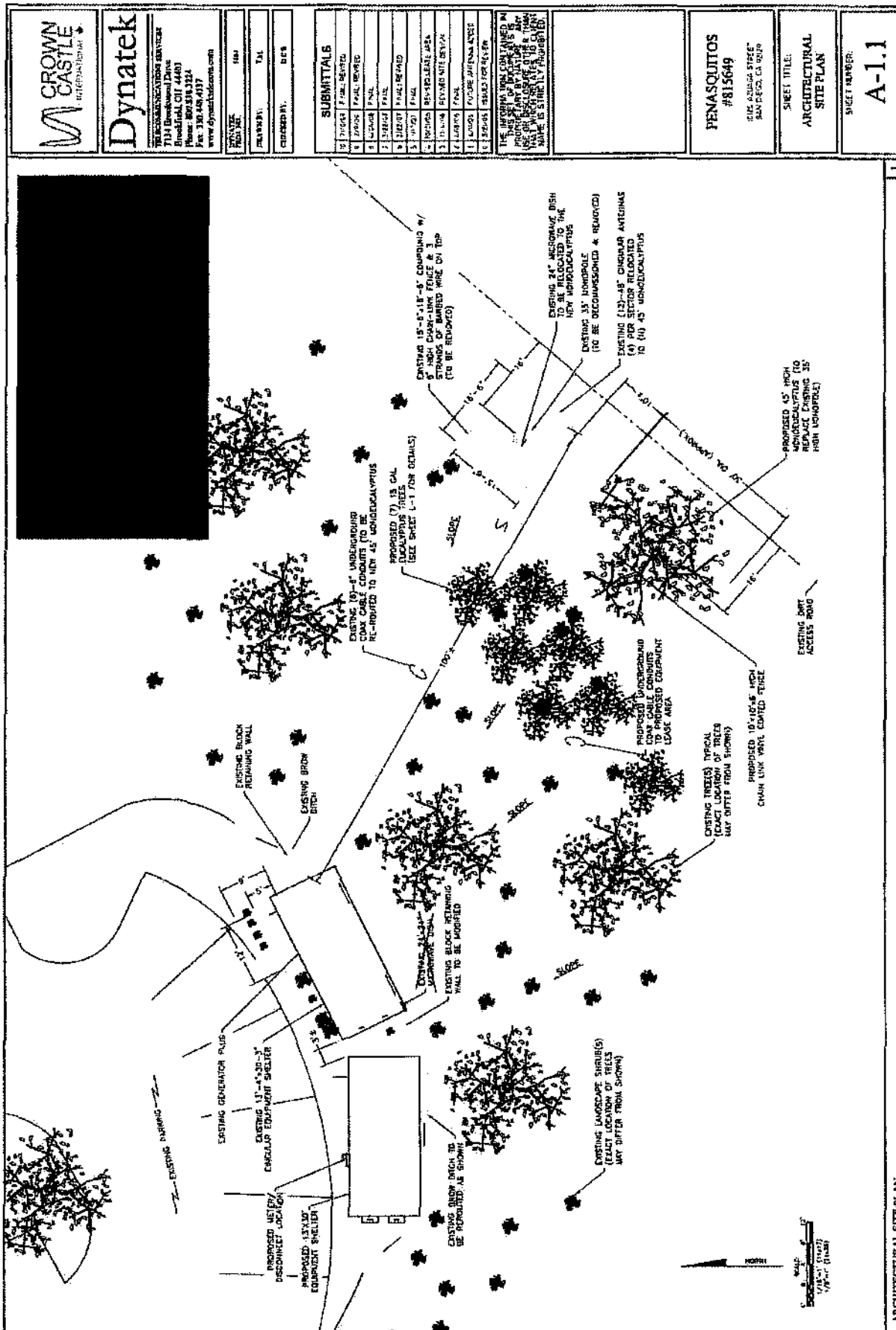
1025 AZUAGA STREET
SAN DIEGO, CA 92109

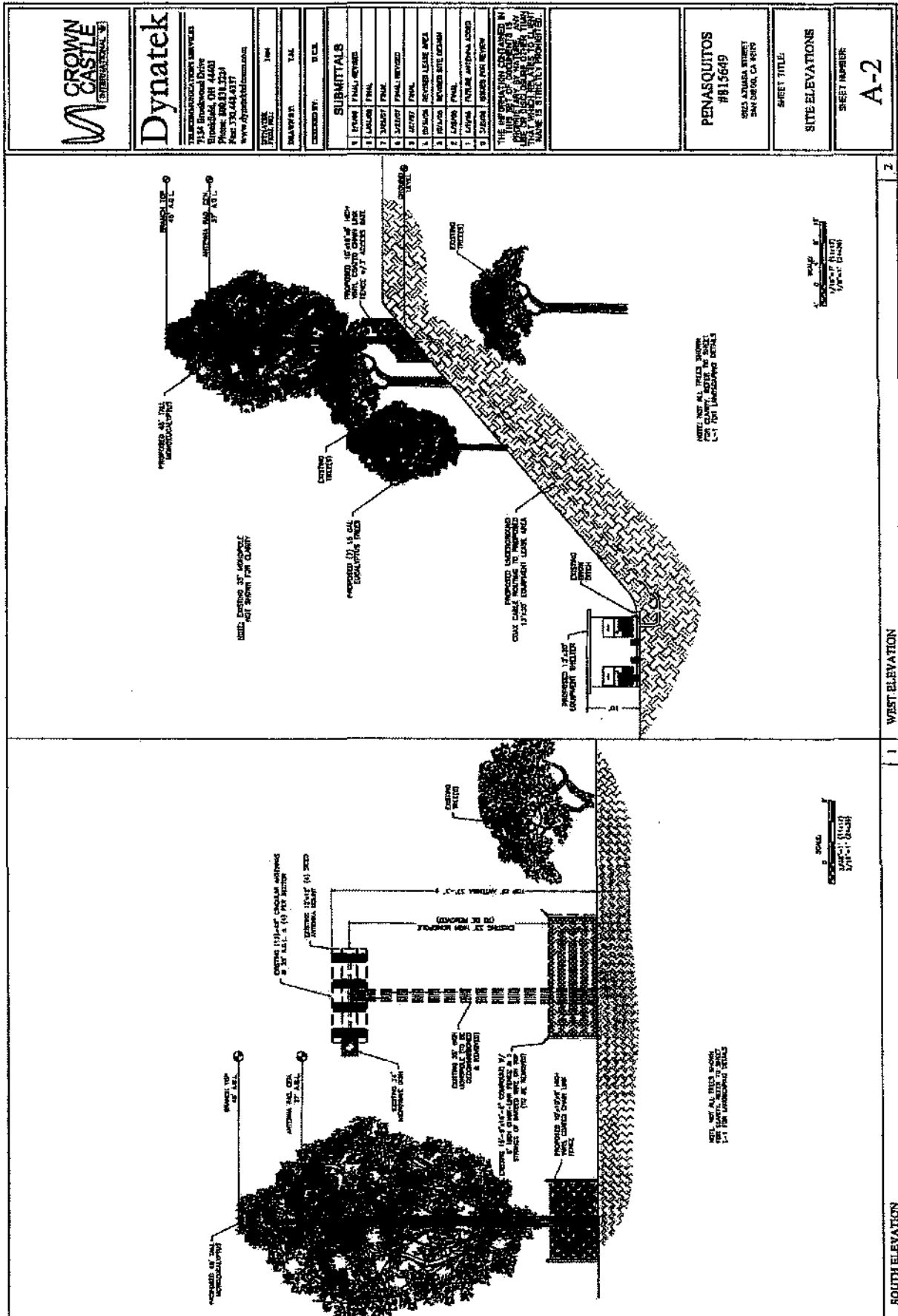
SHEET TITLE:
**ARCHITECTURAL
SITE PLAN**

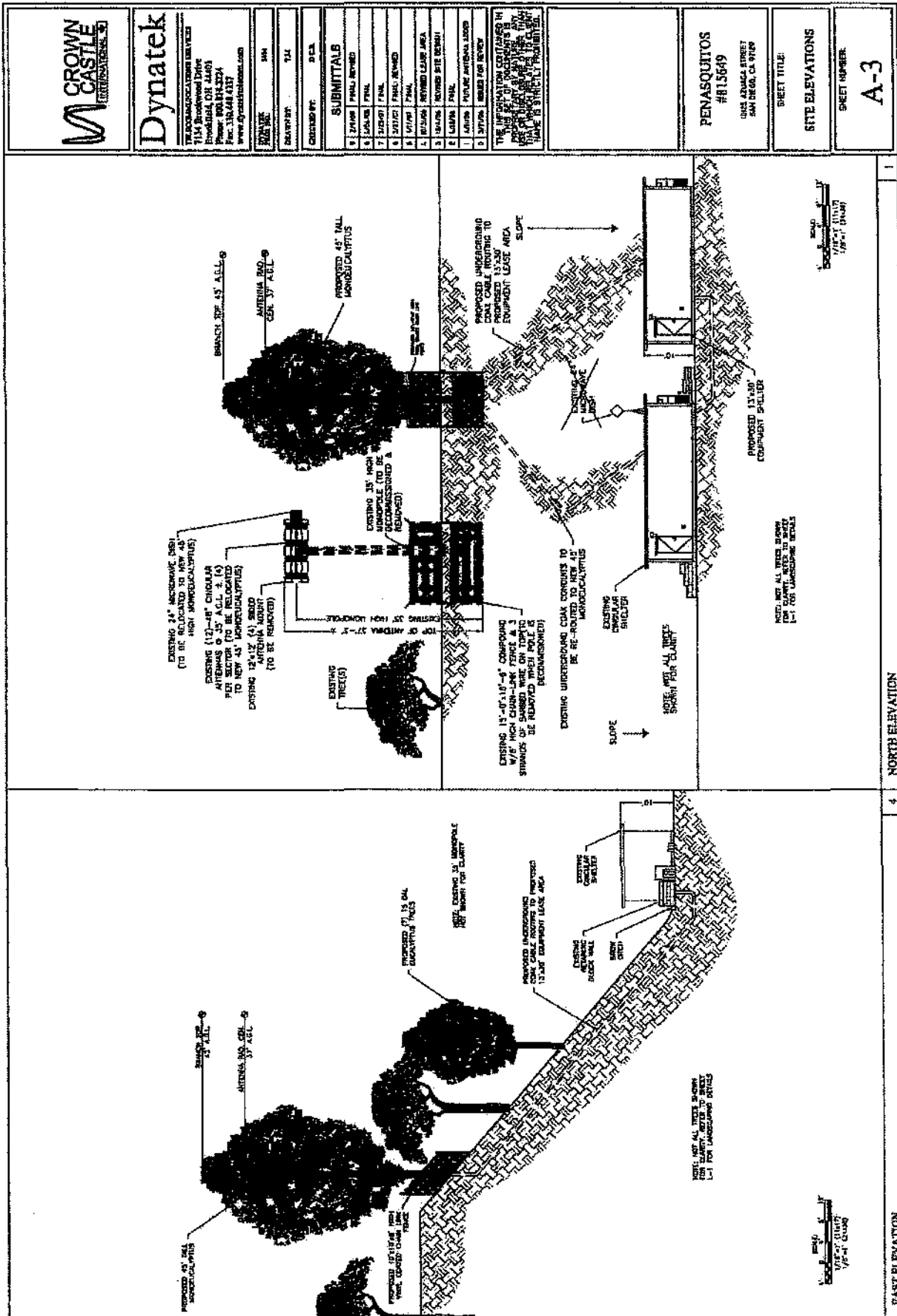
SHEET NUMBER:

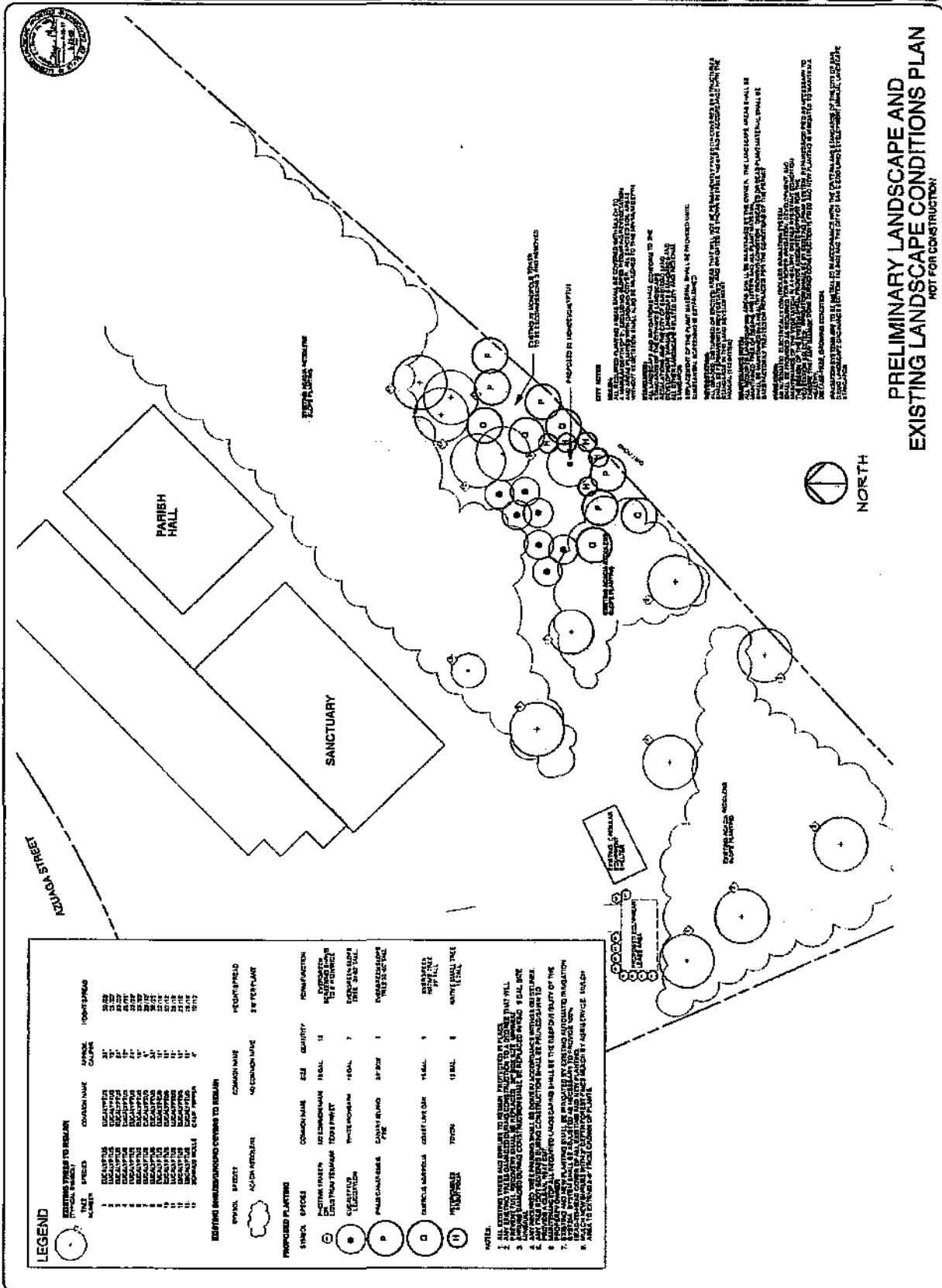
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ATTACHMENT 12

CJC # 1996-0275028
31-MAY-1996 03:14 PM

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RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
BUREAU: SAN DIEGO COUNTY RECORDER
FEE: 11.00
FEE: 17.00
FEE: 1.00
25.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 95-0316
PLANNING COMMISSION
GTE-MOBILNET, PENASQUITOS

This Conditional Use Permit is granted by the Planning Commission of the City of San Diego to Saint Timothy's Episcopal Church, Owner, GTE-MOBILNET, Permittee, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego.

1. Subject to the terms and conditions set forth in this permit, permission is granted to the Owner/Permittee for the installation of a cellular communication facility located on 10125 Azuaga Street, (Lot 18, Unit No. 2 of Sun Ridge Vista, Map No. 12380), in the R1-6000 Zone of the Rancho Penasquitos Community Plan.

2. The facility shall consist of the following:

- a. Installation of a 35-foot monopole (to be painted battleship grey) and a 360-square foot radio equipment building to be screened by landscaping.
- b. Additional trees to be added to perimeter of the property submitted to Development Services Department for approval.

3. No permit for construction of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to the Development Services Department, Land Development Review Division;

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ORIGINAL

ATTACHMENT 12

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- b. The Conditional Use Permit is recorded by the Development Services Department in the office of the County Recorder.
4. Prior to the issuance of any building permits, the applicant shall:
- a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
- b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
5. This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
6. This Conditional Use Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 111.1122 of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.
7. All plans shall be in substantial conformance to Exhibit "A", dated April 25, 1996. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during construction it shall be repaired and or replaced in kind per the approved plans.
8. This Conditional Use Permit is granted for a period of ten (10) years from April 25, 1996, at which time it will become null and void unless a new application for a Conditional Use Permit is applied for and approved under the procedures in effect at that time. At such time as the Conditional Use Permit expires or ceases to be utilized, all antennas and equipment will be removed from the site by the last owner/permittee of the use.
9. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.
10. This Conditional Use Permit is a covenant running with the subject property and shall be binding upon the owner/permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

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11. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this permit. It is the intent of the City that the owner of the property which is the subject of this permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the owner of the property be allowed the special and extraordinary rights conveyed by this permit, but only if the owner complies with all the conditions of this permit.

In the event that any condition of this permit, on a legal challenge by the Owner/Permittee of this permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void. However, in such event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition back to the discretionary body which approved the permit for a determination by that body as to whether all of the findings necessary for the issuance of the permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed permit and the condition(s) contained therein.

12. The issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

13. Within 30 days of expiration of this permit/or discontinuance of this use (operation of this facility) the owner/permittee shall restore the site to its original condition which may include appropriate landscaping.

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14. The continued use of this permit shall be subject to the current and future regulations of the Federal Communications Commission and the California Public Utilities Commission. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agency.

Passed and adopted by the Planning Commission of the City of San Diego on April 25, 1996.

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PLANNING COMMISSION RESOLUTION NO. 2267-2-PC
GRANTING CONDITIONAL USE PERMIT NO. 95-0316
GTE-MOBILNET-PENASQUITOS

WHEREAS, Saint Timothy's Episcopal Church, Owner, GTE-Mobilnet, Permittee, filed an application for a Conditional Use Permit to construct and operate a cellular communication system which includes a 35 foot monopole, and one radio building located at 10125 Azuaga Street, (Lot 18, Unit No. 2 of Sun Ridge Vista, Map No. 12380) in the R1-6000 Zone of the Rancho Penasquitos Community Plan Area; and

WHEREAS, on April 25, 1996, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 95-0316, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego; and NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

1. That the Planning Commission adopted the following written Findings, dated April 25, 1996:

- A. THE PROPOSED USE WILL FULFILL AN INDIVIDUAL AND COMMUNITY NEED AND WILL NOT ADVERSELY AFFECT THE GENERAL PLAN OR THE COMMUNITY PLAN.

The project site is designated for single family use by the General Plan and the Rancho Penasquitos Community Plan. Particular uses, such as wireless communication which fulfill individual and community needs are permitted in residential and other zones by Conditional Use Permit. The proposed project will provide enhanced wireless communication service to this community as well as adjacent communities. The monopole would not block or obstruct views. The bulk and scale of the antenna would not be considered obtrusive or visually significant. The project will not adversely impact the General Plan nor the Rancho Penasquitos Community Plan.

- B. THE PROPOSED USE, BECAUSE OF CONDITIONS THAT HAVE BEEN APPLIED TO IT, WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY AND GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE AREA AND WILL NOT ADVERSELY AFFECT OTHER PROPERTY IN THE VICINITY.

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There are no detrimental effects to the health, safety, and general welfare anticipated as a result of the proposed project. The radio emissions for this facility are .001 microwatts per square centimeter, which is well below the accepted safety standard of 1,233 microwatts per square centimeter established by the American National Standards Institute and the National Council on Radiation Protection.


C. THE PROPOSED USE WILL COMPLY WITH THE RELEVANT REGULATIONS IN THE MUNICIPAL CODE.

The proposed facility complies with the relevant regulations in the Municipal Code. Although the R1-6000 zone restricts height to 30-feet, the Conditional Use Permit allows a deviation from the height requirements. The Rancho Penasquitos Community Plan recommends a maximum height of 35 feet. The applicant has redesigned the monopole to comply with the Community Group's recommendation.

2. That said Findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 95-0316 is hereby GRANTED to Owner/Permittee in the form and with the terms and conditions set forth in Conditional Use Permit No. 95-0316, a copy of which is attached hereto and made a part hereof.


Karen Lynch-Ashcraft
Senior Planner


Linda Lugano
Legislative Recorder to
the Planning Commission

ORIGINAL

ATTACHMENT 12

ALL-PURPOSE CERTIFICATE

Type/Number of Instrument CUP 95-0316Date of Approval April 25, 1996 800

STATE OF CALIFORNIA

Karen Lynch Ashcraft
 Karen Lynch Ashcraft, Senior Planner

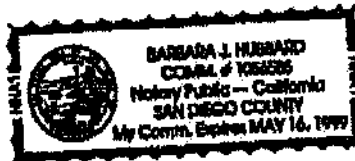
COUNTY OF SAN DIEGO

On May 23, 1996 before me, BARBARA J. HUBBARD (Notary Public), personally appeared Karen Lynch Ashcraft, Senior Planner of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Barbara J. Hubbard
 Barbara J. Hubbard



(Seal)

PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF PERMITTEE(S) THEREUNDER.

Signed

Lawrence R. Doherty

Signed

Typed Name LAWRENCE R. DOHERTY

Typed Name

Saint Timothy's Episcopal Church

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

On MAY 28, 1996 before me, KRISTEN E. HALE, NOTARY PUBLIC (Name of Notary Public) personally appeared LAWRENCE R. DOHERTY *****, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Kristen E. Hale



(Seal)

ORIGINAL

**Rancho Peñasquitos Planning Board
Minutes of Regular Meeting
April 1, 2009**

Attendees: Dan Barker, Jon Becker, Joost Bende, Bill Diehl, Bill Dumka, Wayne Kaneyuki, Jim LaGrone, Lynn Murphy, Scot Sandstrom, Charles Sellers, Mike Shoecraft, John Spelta, Dennis Spurr

Absent: Morri Chowaiki, Sudha Garudadri, Tuesdee Halperin, John Keating, Jeanine Politte, Keith Rhodes

Community Members & Guests (Voluntary Sign-in): Lisa Petrillo, Jas Arnold, Pam Blackwill, Maria Gill, Cecilia T. Hillary, Eric Comer

Meeting was called to order at 7:40 pm.

Agenda Modifications

- There were no agenda modifications.
- Election committee reported that the election results would be approved at the May meeting.

Approval of Minutes

- None; The Chair noted that this was the first time in two years that the minutes had not been submitted on time for approval (an excellent record)!

San Diego Fire Department

- No representative from the Fire Dept. attended the meeting.

Public Forum

- Bill Diehl announced the time and locations for the Spring Egg Hunts to take place at various City Parks within the Rancho Peñasquitos Planning Area.

Announcements & Informational Items:

- Stephen Heverly updated the Board on the following:
 - Carmel Mountain water pipe break and the boil water notice.
 - The Mayor's budget proposal was to be released on April 14. Sherri Lightner's office is to host a budget hearing on April 16th.
 - Increase in parking meter fee to be considered.
 - Water rationing was discussed; the Board Members and audience were urged to call Councilwoman Lightner's office to express their ideas and views.
 - The City is seeking applicants for the San Diego Youth Commission from young adults the ages of 13 to 21. Those interested were asked to call Jessie Mays to find out more about the Youth Commission.
 - Bill Diehl also mentioned that the YMCA was looking for 158 individuals, 18 or older, to work in the summer program.
 - Cresta Bella issue; Stephen reported that he has requested the Development Services Department (DSD) to set-up a meeting with those Board Members interested in getting an update directly from DSD. There was further discussion between various

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Board Members regarding the affordability housing and density issues related to Cresta Bella.

- Charles Sellers raised the following additional topics related to Council District 1:
 - The PPH Wellness Center will be before the Planning Commission on April 9th. The Board has approved the plan with conditions as documented in the June 4, 2008 Meeting Minutes.
 - The Planning Commission is scheduled to vote on the Black Mountain Ranch Tentative Map change on April 2nd. Charles asked Stephen to explain to Councilwoman Lightner that the Board's condition attached to their approval has a deadline of May 5th. If the Board's condition is not satisfied by May 5th, the Board will withdraw its support of the Map change.

BUSINESS:

Black Mountain Open Space Park Trail (Info Item)

- Jaz Arnold from the Open Space Park Committee presented to the Board plans for a loop hiking trail which would be accessible by handicapped individuals. Plans for the trail are located to the North of Black Mountain Open Space Park on land currently owned by Black Mountain Ranch LLC. The simple plan calls for a 5' wide sidewalk to be constructed at a cost of approximately \$50,000. A grand plan calls for additional construction of parking lot improvements and one or two kiosks. This grand plan is estimated to cost up to \$250,000. Arnold's group has currently raised approximately \$8,000 thru donations. Anyone wishing to make additional donations can do so at: trailforallpeople.com.

Darkwood Road Water Easement Vacation (Action Item)

- Eric Comer (homeowner) was present at the meeting. Eric provided the Board Members copies of a letter he wrote to the City and spoke to the Board about the easement vacation he is attempting to obtain from the City. (see attached)
- Jon Becker reported that the Land Use Committee has forwarded this item to the Board with a motion for vacation of easement.
- The Board voted 13 (approved), 0 (opposed) and 0 (abstained) to approve motion regarding the Darkwood Road Water Easement Vacation to include the City's conditions.

AT&T/Crown Castle International Wireless Project (Action Item)

- Mark Linman from Crown Castle International provided handouts (attached) and gave a presentation to the Board regarding the proposed cell tower he was seeking approval for. The proposed cell tower is 45' in height and would replace an existing cell tower that is 37' in height. The new cell tower is in the shape of a Eucalyptus tree and would blend in with other Eucalyptus trees currently located at the sight.
- After a brief discussion by the Board a motion was made to approve the project subject to conditions that were to be set forth in a letter to be prepared by Jon Becker as to the type of landscaping. (letter addressing conditions attached)
- The motion was passed by the Board; 12 (approved), 1 (opposed/Kaneyuki) and 0 (abstained).

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REPORTS:

Chair Report

- Other than the reports given in the Announcements & Informational section above, the Chair had no further reports.

Vice-Chair Report

- Jon Becker discussed a letter submitted for the BMR EIR.

Secretary Report

- No report

Standing Committee Reports:

Land Use

- There was discussion regarding the Our Lady of Mt. Carmel Church proposed expansion. After a review of the District Maps, the Board Members concluded this was a District 3 issue.

Wireless

- It was reported that parties involved in the pending Verizon Project have not asked to come forward.
- The next meeting was penciled in for 4/30/09.

Ad Hoc Committee Reports:

Bylaws & Elections

- Deferred report until the May meeting.

Community Fund

- Bill Diehl reported that he is still working on it.

Fire Protection

- The web site is still being established
- Maria Gill, a member of the audience, inquired about the meeting dates (the 3rd Wednesday of the month at the DoubleTree) and expressed interest in working with the committee on fire protection.
- Solicitations from the committee are currently outstanding for federal grant money.
- Stephen Heverly reported that the City was working on brush management. However, Dennis Spurr commented that the City is doing very little brush management in our planning area, especially around the Black Mountain.
- The City is looking for feedback on the Fire Hazard Map recently released.

Leisure Life / Cresta Bella

- Dan Barker reported that the committee is currently waiting to see if we can get something back from the City in terms of what the current development plans look like.

Transportation

- No report

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Liaison and Organization Reports:

Black Mountain Open Space Park

- Made a new connection with the trails on the North and South side.
- Nothing moving on the ranger station.

MCAS Miramar CLF

- Change in command beginning on April 2nd
- Reported to the Board about a recent presentation on the base regarding the use of recycled water and other water conservation steps being taken including the use of synthetic turf.

Recreation

- Announced the approval of a fireworks show to be presented on July 3rd at Westview High School.
- Renovation of the sand volleyball court at Twin Trails was approved.
- Renovation of the hand ball courts at Rolling Hills was approved.
- The resurfacing of various basketball courts located within the planning area was approved.
- Still trying to get repairs made to the skateboard park.
- Fee schedules are in discussion, including those for field use and lights.

Town Council

- Meeting tomorrow night at 7:00 pm.
- Fiesta date is May 3rd.
- Application for membership is on the web sight at: rpcouncil.com

Park Village LMAD

- Did not meet during the past month
- The May meeting will be discussing the potential for brush management funding for fire abatement.

Penasquitos East LMAD

- No report

Torrey Highlands LMAD

- It was reported that D.R. Horton, Inc. was beginning to turn over sections of Camino Del Sur to the LMAD.

Meeting was adjourned at approximately 10:00pm.

Attachments //

1. Darkwood Road Water Easement Vacation
2. AT&T Crown Castle PQ Wireless handouts and letter of conditions

Approved 5/6/09, 14 in favor – 0 – against – 3 abstentions (Halperin, Chowaiki, Keating).

jpolitte@san.rr.com

From: Jon Becker [jbecker@projectdesign.com]
Sent: Thursday, April 02, 2009 12:44 PM
To: Charles Sellers (cts.cpa@sdcu.net); Jeanine; Joost H. Bende (RPPB@san.rr.com)
Subject: Azuaga St. Church Cell Site Landscape
Attachments: Azuaga Cell-RPPB landscape Apr 2 09.pdf

All:

Per our April 2009 meeting, please find attached the requested landscape plan to be provided as part of our motion for approval.

As identified on the Plan, I would propose the motion would be expanded to incorporate the following and forwarded to the applicant:

"For the purpose of screening the faux tree antennae over time, the following plant material shall be added around the south and east side as follows:

- 5 Canary Island Pines-24" box
- 5 Coast Live Oak-15 gallon
- 5 Heteromeles arbutifolia (Toyon)-15 gallon

Irrigation shall be provided to all newly installed plants to assure the success and on-going growth of the planted material. Replacement of the plant material shall be provided until substantial screening is established."

Joost, please review and adjust as you see fit. Charles/Jeanine, please add to the minutes and motion.

Thanks,

Jon

Jon Becker, ASLA/AICP
Vice President
Project Design Consultants
Direct 619.881.3264
Mobile 858.231.5671
701 B Street, Ste. 800
San Diego, CA 92101
www.projectdesign.com



THE CITY OF SAN DIEGO

City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☒ Conditional Use Permit
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment ☐ Other _____

Project Title

Project No. For City Use Only

Crown Castle - Penasquitos

Project Address:

10125 Azuaga Street, San Diego, CA 92129

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☒ No

Name of individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

This information is available in alternative formats for persons with disabilities.
Be sure to see us on the World Wide Web at www.sandiego.gov/development-services

DS-318 (5-05)

| | |
|--|--|
| Project Title: Crown Castle - Penasquitos | Project No. (For City Use Only) |
|--|--|

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

☒ Corporation (☐ Limited Liability -or- ☒ General) What State? CA Corporate Identification No. 2493831
☐ Partnership ↳ 501 C(3) Not For Profit

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached ☐ Yes ☐ No

| | |
|---|---|
| Corporate/Partnership Name (type or print): <u>St Timothy's Episcopal Church</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee <u>10125 AZULGA ST.</u> Street Address: <u>SAN DIEGO CA 92129</u> City/State/Zip: <u>858-538-1267</u> <u>858-538-5105</u> Phone No: Fax No: <u>The Rev. Russell E. J. Martin</u> Name of Corporate Officer/Partner (type or print): <u>Rector / President</u> Title (type or print): <u>The Rev. Russell E. J. Martin</u> <u>4/24/06</u> Signature : Date: | Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: Fax No: Name of Corporate Officer/Partner (type or print): Title (type or print): Signature : Date: |
| Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: Fax No: Name of Corporate Officer/Partner (type or print): Title (type or print): Signature : Date: | Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: Fax No: Name of Corporate Officer/Partner (type or print): Title (type or print): Signature : Date: |
| Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: Fax No: Name of Corporate Officer/Partner (type or print): Title (type or print): Signature : Date: | Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: Fax No: Name of Corporate Officer/Partner (type or print): Title (type or print): Signature : Date: |

DEVELOPMENT SERVICES
Project Chronology
CROWN CASTLE – PENASQUITOS
NEIGHBORHOOD USE/PLANNED DEVELOPMENT PERMIT- PROJECT NO. 101765

| Date | Action | Description | City Review Time | Applicant Response Time |
|-------------------------------------|--|---|-----------------------------------|------------------------------------|
| 4/26/06 | First Submittal | Project Deemed Complete | | |
| 6/3/06 | First Submittal Assessment Letter | Initial Review completed | 1 month, 8 days | |
| 4/12/07 | Second Submittal | | | 10 months, 9 days |
| 5/4/07 | Second Submittal Assessment Letter | | 22 days | |
| 3/17/08 | Project Closed Due to Inactivity – Referred to NCC | | | 10 months, 13 days |
| 9/22/08 | Project Reopened – Third Resubmittal | | | 6 months, 5 days |
| 10/23/08 | Third Submittal Assessment Letter | | 1 month, 1 day | |
| 7/10/09 | Fourth Resubmittal | | | 8 months, 17 days |
| 8/21/09 | Fourth Submittal Assessment Letter | | 1 month, 11 days | |
| 12/21/09 | Draft Mitigated Negative Declaration | Public Review Starts | 4 months | |
| 2/11/10 | Planning Commission Hearing | | 1 month, 21 days | |
| TOTAL STAFF TIME** | | | 6 months, 3 days | |
| TOTAL APPLICANT TIME** | | | | 2 years, 11 months, 14 days |
| TOTAL PROJECT RUNNING TIME** | | From Deemed Complete to Planning Commission Hearing | 3 years, 9 months, 16 days | |

**Based on 30 days equals to one month.

San Diego Municipal Code Chapter 14: General Regulations
(12-2001)

§141.0405 Communication Antennas

- (a) Section 141.0405 regulates the following communication antennas. Amateur (HAM) radio facilities or temporary telecommunication facilities necessitated by natural or man-made disasters are not regulated as communication antennas. Section 141.0405 does not apply to single dish antennas smaller than 24 inches in diameter or to remote panel antennas less than 24 inches in length and in width, except when associated with another telecommunication facility.
 - (1) Minor telecommunication facilities: Antenna facilities used in wireless telephone services, paging systems, or similar services that comply with all development regulations of the underlying zone and overlay(s) and that meet the criteria in Section 141.0405(e)(1) or (2).
 - (2) Major telecommunication facilities: Antenna facilities that do not meet the criteria for minor telecommunication facilities in Section 141.0405(e)(1) or (2).
 - (3) Satellite antennas: Antennas capable of transmitting or receiving signals to or from a transmitter or a transmitter relay located in a planetary orbit. Satellite antennas include satellite earth stations, television-reception-only satellite antennas, and satellite microwave antennas.
- (b) General Rules for Telecommunication Facilities
All telecommunication facilities must comply with the following requirements:
 - (1) All approved telecommunication facilities must comply with the Federal standards for RF radiation in accordance with the Telecommunication Act of 1996 or any subsequent amendment to the Act pertaining to RF radiation. Documentation shall be submitted to the City providing evidence that the cumulative field measurements of radiofrequency power densities for all antennas installed on the *premises* are below the Federal standards.
 - (2) Except in the event of an emergency, routine maintenance and inspection of telecommunication facilities located on residentially zoned *premises*, including all of the system

components, shall occur during normal business hours between 8:00 a.m. and 5:00 p.m. Monday through Friday.

- (3) Antenna facilities or associated equipment proposed for installation in the *public right-of-way* are subject to the following regulations:
 - (A) Antennas or associated equipment located in *public right-of-way* which is adjacent to a residentially zoned *premises* may be permitted with a Neighborhood Use Permit.
 - (B) Antennas and associated equipment located in the *public right-of-way* adjacent to non-residentially zoned *premises* are subject to review and approval by the City Manager.
 - (C) All equipment associated with antenna facilities shall be undergrounded, except for small services connection boxes or as permitted in Section 141.0405(b)(4).
 - (D) A construction plan must be submitted to and is subject to review and approval by the City Engineer in accordance with Chapter 6, Article 2.
- (4) Antennas and associated equipment located in the *public right-of-way* may be placed above ground only if the equipment is integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, enhanced landscape architecture, or complementary siting solutions to minimize visual or pedestrian impacts. These facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three.
- (c) Temporary facilities that provide services to public events and are limited to a one-time maximum duration of 90 calendar days are subject to the temporary use permit procedures in Chapter 12, Article 3, Division 4.
- (d) All telecommunication facilities that are required to obtain encroachment authorization to locate on city-owned dedicated or designated parkland or open space areas shall comply with the following:

- (1) The City Manager shall determine that the proposed facility would not be detrimental to the City's property interest; would not preclude other appropriate uses; would not change or interfere with the use or purpose of the parkland or open space; and would not violate any deed restrictions related to City property, map requirements or other land use regulations.
 - (2) The proposed facility shall be integrated with existing park facilities or open space; shall not disturb the environmental integrity of the parkland or open space; and shall be disguised such that it does not detract from the recreational or natural character of the parkland or open space.
 - (3) The proposed facility shall be consistent with The City of San Diego Progress Guide and General Plan.
- (e) Minor Telecommunication Facilities

Minor telecommunication facilities are permitted as a limited use or may be permitted with a Neighborhood Use Permit in the zones indicated with an "L" or an "N", respectively, in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) An antenna facility will be considered a minor telecommunication facility if the facility, including equipment and *structures*, is concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, or *accessory use structures*.
- (2) In an effort to encourage collocation and to recognize that some telecommunication facilities are minimally visible, the following shall be considered minor telecommunication facilities:
 - (A) Additions or modifications to telecommunication facilities that do not increase the area occupied by the antennas or the existing antenna enclosure by more than 100 percent of the originally approved facility and do not increase the area occupied by an outdoor equipment unit more than 150 feet beyond the originally approved facility, if the additions and modifications are designed to minimize visibility.

- (B) Panel-shaped antennas that are flush-mounted to an existing *building facade* on at least one edge, extend a maximum of 18 inches from the *building facade* at any edge, do not exceed the height of the building, and are designed to blend with the color and texture of the existing building.
 - (C) Whip antennas if the number of antennas that are visible from the *public right-of-way* does not exceed six, if the antennas measure 4 inches or less in diameter, and if they have a mounting apparatus that is concealed from public view.
- (3) Minor telecommunication facilities are not permitted in the following locations:
 - (A) On *premises* that are developed with residential uses in residential zones;
 - (B) On vacant *premises* zoned for residential development;
 - (C) On *premises* that have been designated as *historical resources*;
 - (D) On *premises* that have been designated or mapped as containing sensitive resources;
 - (E) On *premises* within the *MHPA*; or
 - (F) On *premises* that are leased for billboard use.
- (4) The installation of a minor telecommunication facility shall not result in the elimination of required parking spaces.
- (5) Minor telecommunication facilities that terminate operation shall be removed by the operator within 90 calendar days of termination.
- (f) Major Telecommunication Facilities

Major telecommunication facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three, except that major telecommunication facilities on dedicated or designated parkland and open space may be permitted with a

Conditional Use Permit decided in accordance with Process Five, in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) Major telecommunication facilities are not permitted in the following locations:
 - (A) On *premises* containing designated *historical resources*;
 - (B) Within viewsheds of designated and recommended State Scenic Highways and City Scenic Routes; or
 - (C) Within ½ mile of another major telecommunication facility, unless the proposed facility will be concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, and *accessory use structures*.
 - (D) Within the Coastal Overlay Zone, on *premises* within the MHPA and/or containing *steep hillsides* with *sensitive biological resources*, or within public view corridors or view sheds identified in applicable *land use plans*.
- (2) Major telecommunication facilities shall be designed to be minimally visible through the use of architecture, landscape architecture, and siting solutions.
- (3) Major telecommunication facilities shall use the smallest and least visually intrusive antennas and components that meet the requirements of the facility.

(g) Satellite Antennas

Satellite antennas are permitted as a limited use subject to Section 141.0405(g)(2), and may be permitted with a Neighborhood Use Permit subject to Section 141.0405(g)(3), or with a Conditional Use Permit decided in accordance with Process Three subject to Section 141.0405(g)(4).

- (1) Exemption. Satellite antennas that are 5 feet in diameter or smaller are permitted in all zones and are exempt from this section.
- (2) Limited Use Regulations. Satellite antennas that exceed 5 feet in diameter are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.
 - (A) Satellite antennas are not permitted within the *MHPA*.
 - (B) Satellite antennas are not permitted on *premises* that have been designated as *historical resources*.
 - (C) Satellite antennas shall not exceed 10 feet in diameter.
 - (D) Ground-mounted satellite antennas shall not exceed 15 feet in *structure height*.
 - (E) Ground-mounted satellite antennas shall not be located in the *street yard*, *front yard*, or *street side yard* of a *premises*.
 - (F) Satellite antennas shall not be light-reflective.
 - (G) Satellite antennas shall not have any *sign copy* on them nor shall they be illuminated.
 - (H) Ground-, roof-, and pole-mounted satellite antennas shall be *screened* by fencing, buildings, or parapets that appear to be an integral part of the building, or by landscaping so that not more than 25 percent of the antenna height is visible from the *grade* level of adjacent *premises* and adjacent *public rights-of-way*.
- (3) Neighborhood Use Permit Regulations. Proposed satellite antennas that do not comply with Section 141.0405(b)(2) may be permitted with a Neighborhood Use Permit subject to the following regulations.
 - (A) Satellite antennas are not permitted within the *MHPA*.

- (B) Satellite antennas are not permitted on *premises* that have been designated as *historical resources*.
 - (C) Satellite antennas shall not exceed 10 feet in diameter.
 - (D) Satellite antennas shall not be light-reflective.
 - (E) Satellite antennas shall not have any *sign copy* on them nor shall they be illuminated.
 - (F) The visual impacts of the antenna to adjacent *premises* and adjacent *public rights-of-way* shall be minimized by the positioning of the antenna on the site and the use of landscape or other *screening*.
- (4) Conditional Use Permit Regulations. Except for proposed satellite antennas which are *accessory uses* in industrial zones, proposed satellite antennas that exceed 10 feet in diameter may be permitted only with a Conditional Use Permit decided in accordance with Process Three subject to the following regulations.
- (A) Satellite antennas are not permitted within the *MHPA*.
 - (B) Satellite antennas are not permitted on *premises* or its appurtenances that have been designated as *historical resources*.
 - (C) The visual impacts of the antenna to adjacent *premises* and adjacent *public rights-of-way* shall be minimized by the positioning of the antenna on the site and the use of landscaping or other *screening*.

(Amended 1-9-2001 by O-18910 N.S.; effective 8-8-2001.)